

**SUPREME COURT MINUTES
MONDAY, JANUARY 30, 2012
SAN FRANCISCO, CALIFORNIA**

S045423**PEOPLE v. SANCHEZ-
FUENTES (EDGARDO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Sara Theiss's representation that she anticipates filing the appellants opening brief by February 15, 2012, counsel's request for an extension of time in which to file that brief is granted February 15, 2012. After that, no further extension is contemplated.

S065233**PEOPLE v. SMITH (FLOYD
DANIEL)**

Extension of time granted

Appellant's "Request for Extension of Time to File Appellant's Reply Brief" is denied.

S075727**PEOPLE v. JOHNSON
(CEDRIC JEROME)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's reply brief by March 28, 2013, counsel's request for an extension of time in which to file that brief is granted to April 2, 2012. After that date, only six further extensions totaling about 360 additional days are contemplated.

S097363**PEOPLE v. MERRIMAN
(JUSTIN JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Glen Niemy's representation that he anticipates filing the appellant's reply brief by August 1, 2012, counsel's request for an extension of time in which to file that brief is granted to April 2, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S118147**PEOPLE v. MIRANDA-
GUERRERO (VICTOR)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Denise Kendall's representation that he anticipates filing the appellant's opening brief by July 30, 2012, counsel's request for an extension of time in which to file that brief is granted to April 2, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S120583**PEOPLE v. CAGE
(MICKY RAY)**

Extension of time granted

Good cause appearing, and based upon counsel Susan K. Massey's representation that he anticipates filing the appellant's reply brief by March 1, 2012, counsel's request for an extension of time in which to file that brief is granted to February 10, 2012. After that date, only one further extension totaling about 20 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S124131**PEOPLE v. BARRETT
(JOSEPH ANTHONY)**

Extension of time granted

Good cause appearing, and based upon counsel Lisa M. Romo's representation that he anticipates filing the appellant's reply brief by December 1, 2012, counsel's request for an extension of time in which to file that brief is granted to April 2, 2012. After that date, only four further extensions totaling about 240 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S132449**PEOPLE v. PETERSON
(SCOTT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 2, 2012.

S140795**PEOPLE v. ESPINOZA
(JOHNNY)**

Extension of time granted

Appellant's request for relief from default is granted.

Good cause appearing, and based upon counsel Ralph H. Goldsen's representation that he anticipates filing the appellant's opening brief by July 2012, counsel's request for an extension of time in which to file that brief is granted to February 28, 2012. After that date, only three further extensions totaling about 150 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S147335

**PEOPLE v. MITCHELL, JR.
(LOUIS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 2, 2012.

S186661 D054613 Fourth Appellate District, Div. 1

PEOPLE v. CRAVENS (SETH)

Opinion filed: Affirmed in part, reversed in part

The judgment of the Court of Appeal is reversed to the extent it ordered modification of the second degree murder conviction and is otherwise affirmed.

Majority Opinion by Baxter, J.

-- joined by Cantil-Sakauye, C. J., Werdegarr, Chin, and Corrigan, JJ.

Concurring Opinion by Liu, J.

Dissenting Opinion by Kennard, J.

S188619 A124643 First Appellate District, Div. 4

**PEOPLE v. JOHNSON
(ANDREW D.)**

Opinion filed: Judgment affirmed in full

We affirm the judgment of the Court of Appeal.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Corrigan, and Liu, JJ.

S194093

**HOELSCHER (LOREN
JAMES) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to February 27, 2012.

S199162 E054769 Fourth Appellate District, Div. 2

PEOPLE v. S.C. (JACKSON)

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to February 8, 2012.

S199272 G044640 Fourth Appellate District, Div. 3 **SHORELINE PROPERTIES
LLC v. WELLS FARGO
BANK, N.A.**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to February 14, 2012.

S198074 **BARRETT ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHARLES MARTIN BARRETT, State Bar Number 94800, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. CHARLES MARTIN BARRETT is suspended from the practice of law for the first 14 months of probation;
2. CHARLES MARTIN BARRETT must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 13, 2011; and
3. At the expiration of the period of probation, if CHARLES MARTIN BARRETT has complied with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

CHARLES MARTIN BARRETT must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

CHARLES MARTIN BARRETT must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198075 **EMERSON ON DISCIPLINE**

Recommended discipline imposed

The court orders that GREGORY SCOTT EMERSON, State Bar Number 205053, is suspended from the practice of law in California for two years, execution of that period of suspension is

stayed, and he is placed on probation for three years subject to the following conditions:

1. GREGORY SCOTT EMERSON is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. GREGORY SCOTT EMERSON must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 6, 2011.
3. At the expiration of the period of probation, if GREGORY SCOTT EMERSON has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

GREGORY SCOTT EMERSON must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

GREGORY SCOTT EMERSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If GREGORY SCOTT EMERSON fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198077

EPSTEIN ON DISCIPLINE

Recommended discipline imposed

The court orders that MARK EPSTEIN, State Bar Number 159801, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MARK EPSTEIN is suspended from the practice of law for the first 60 days of probation;
2. MARK EPSTEIN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 12, 2011; and
3. At the expiration of the period of probation, if MARK EPSTEIN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARK EPSTEIN must also take and pass the Multistate Professional Responsibility Examination

within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for each of the years 2013, 2014, and 2015. If MARK EPSTEIN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198078**FRANCISCO ON DISCIPLINE**

Recommended discipline imposed

The court orders that EMILIO NACIN FRANCISCO, State Bar Number 69900, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. EMILIO NACIN FRANCISCO is suspended from the practice of law for the first nine months of probation;
2. EMILIO NACIN FRANCISCO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 29, 2011; and
3. At the expiration of the period of probation, if EMILIO NACIN FRANCISCO has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

EMILIO NACIN FRANCISCO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

EMILIO NACIN FRANCISCO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If EMILIO NACIN FRANCISCO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198079**GOLDEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that KENNETH LOUIS GOLDEN, State Bar Number 250521, is suspended

from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. KENNETH LOUIS GOLDEN is suspended from the practice of law for the first 90 days of probation;
2. KENNETH LOUIS GOLDEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 7, 2011; and
3. At the expiration of the period of probation, if KENNETH LOUIS GOLDEN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KENNETH LOUIS GOLDEN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

KENNETH LOUIS GOLDEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If KENNETH LOUIS GOLDEN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198081

CROCKETT ON DISCIPLINE

Recommended discipline imposed

The court orders that MICHAEL DAVID CROCKETT, State Bar Number 228124, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MICHAEL DAVID CROCKETT is suspended from the practice of law for the first 120 days of probation;
2. MICHAEL DAVID CROCKETT must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 1, 2011; and
3. At the expiration of the period of probation, if MICHAEL DAVID CROCKETT has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL DAVID CROCKETT must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

MICHAEL DAVID CROCKETT must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198086**McCREDIE ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARK PARDEE McCREDIE, State Bar Number 189962, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MARK PARDEE McCREDIE is suspended from the practice of law for the first nine months of probation;
2. MARK PARDEE McCREDIE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 12, 2011; and
3. At the expiration of the period of probation, if MARK PARDEE McCREDIE has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARK PARDEE McCREDIE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

MARK PARDEE McCREDIE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If MARK PARDEE McCREDIE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198087**MELLEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW DAVID MELLEN, State Bar Number 233350, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. MATTHEW DAVID MELLEN is suspended from the practice of law for the first 60 days of probation;
2. MATTHEW DAVID MELLEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 5, 2011; and
3. At the expiration of the period of probation, if MATTHEW DAVID MELLEN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MATTHEW DAVID MELLEN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198088**MENDELSON ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEVEN TSION MENDELSON, State Bar Number 99952, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. STEVEN TSION MENDELSON must make restitution as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 5, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

STEVEN TSION MENDELSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198090**MUNOZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN DAVID MUNOZ, State Bar Number 176815, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JOHN DAVID MUNOZ is suspended from the practice of law for the first 120 days of probation;
2. JOHN DAVID MUNOZ must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on

October 13, 2011; and

3. At the expiration of the period of probation, if JOHN DAVID MUNOZ has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN DAVID MUNOZ must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JOHN DAVID MUNOZ must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If JOHN DAVID MUNOZ fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198091

O'CONNOR ON DISCIPLINE

Recommended discipline imposed

The court orders that TIMOTHY JOHN O'CONNOR, State Bar Number 151110, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. TIMOTHY JOHN O'CONNOR must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 12, 2011; and
2. At the expiration of the period of probation, if TIMOTHY JOHN O'CONNOR has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

TIMOTHY JOHN O'CONNOR must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198093

ROARK ON DISCIPLINE

Recommended discipline imposed

The court orders that JEREMY N. ROARK, State Bar Number 259079, is suspended from the

practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JEREMY N. ROARK is suspended from the practice of law for the first six months of probation;
2. JEREMY N. ROARK must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 13, 2011; and
3. At the expiration of the period of probation, if JEREMY N. ROARK has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JEREMY N. ROARK must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JEREMY N. ROARK must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-fifth of the costs must be paid with his membership fees for each of the years 2013, 2014, 2015, 2016, and 2017. If JEREMY N. ROARK fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198094

ROWLAND ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that JOSEPH EDWARD ROWLAND, State Bar Number 147636, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JOSEPH EDWARD ROWLAND must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on September 27, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

JOSEPH EDWARD ROWLAND must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.